

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

RICHARD RICARDO SLATER,

Petitioner

VS.

COLLEEN MARTIN,

Respondent

NO. 5:07-CV-59 (HL)

**PROCEEDINGS UNDER 28 U.S.C. §2254
BEFORE THE U. S. MAGISTRATE JUDGE**

RECOMMENDATION TO DISMISS

Currently before the court are two motions filed by respondent COLLEEN MARTIN seeking the dismissal of the above-captioned habeas corpus action. Tab #25 and Tab #30. The basis for both motions is the respondent's averment that the petition is unexhausted under the provisions of the Antiterrorism and Effective Death Penalty Act, 28 U.S.C. §2244.

On January 27, 2009, petitioner RICHARD RICARDO SLATER was ordered to file a response to these motions seeking dismissal no later than February 20, 2009. Tab #31. Therein, petitioner was advised that under the procedures and policies of this court, motions to dismiss are normally decided on briefs. The petitioner was also advised that failing to file a response could result in the granting of the respondent's Motions to Dismiss.

To date, petitioner has failed to file a response to the respondent's motions seeking dismissal. Consequently, the respondent's contention that the instant habeas petition is unexhausted is uncontested. As such, **IT IS RECOMMENDED** that the above captioned petition be **DISMISSED**. Pursuant to 28 U.S.C. §636(b)(1), the parties may serve and file written objections to this RECOMMENDATION with the district judge to whom this case is assigned **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 6th day of MARCH, 2009.



A handwritten signature in black ink, appearing to read "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE